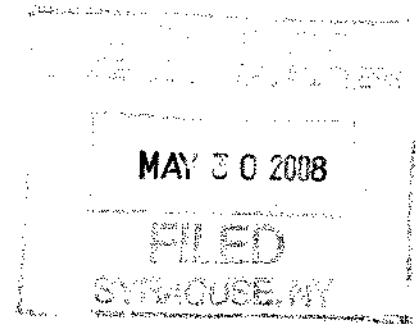


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



CORNELL UNIVERSITY, a nonprofit New York corporation, and CORNELL RESEARCH FOUNDATION, INC., a nonprofit New York corporation,

Plaintiffs,

-v-

01-CV-1974

HEWLETT-PACKARD COMPANY, a Delaware corporation,

Defendant.

HEWLETT-PACKARD COMPANY, a Delaware corporation,

Counterclaimant,

-v-

CORNELL UNIVERSITY, a nonprofit New York corporation, and CORNELL RESEARCH FOUNDATION, INC., a nonprofit New York corporation,

Counterdefendants.

Hon. Randall R. Rader, Circuit Judge, United States Court of Appeals for the Federal Circuit, sitting by designation:

VERDICT FORM

This is the verdict form. It contains all of the questions set forth in the Jury Instructions. Once you have reached unanimous agreement on a verdict, the foreperson must fill in this verdict form, sign and date it, and advise the court that you have reached a verdict.

Question No. 1. Has Cornell proven by a preponderance of the evidence that Hewlett-Packard directly infringes any claim of the '115 patent either literally or under the doctrine of equivalents?

YES ✓ (For Cornell)

NO _____ (For Hewlett-Packard)

If you answered "Yes" to this question, you must answer Question 2.

If you answered "No" to this question, skip to Question 3 (Indirect Infringement: Active Inducement).

Question No. 2. Please check all claims of the '115 patent that you find Hewlett-Packard directly infringes, either literally or under the doctrine of equivalents.

Claim 1 ✓

Claim 6 ✓

Claim 14 ✓

Claim 15 ✓

Claim 18 ✓

Question No. 3. Has Cornell proven, by a preponderance of the evidence, that HP induces others to infringe any claim of the '115 patent, either literally or under the doctrine of equivalents?

YES ✓ (For Cornell)

NO _____ (For Hewlett-Packard)

If you answered "Yes" to this question, you must answer Question 4.

If you answered "No" to this question, skip to Question 5 (Indirect Infringement: Contributory Infringement).

Question No. 4. Please check all the claims of the '115 patent that you find Hewlett-Packard induces others to infringe, either literally or under the doctrine of equivalents.

Claim 1 ✓
Claim 6 ✓
Claim 14 ✓
Claim 15 ✓
Claim 18 ✓

Question No. 5. Has Cornell proven, by a preponderance of the evidence, that Hewlett-Packard contributes to the infringement by others of any claim of the '115 patent, either literally or under the doctrine of equivalents?

YES ✓ (For Cornell)

NO _____ (For Hewlett-Packard)

If you answered "Yes" to this question, you must answer Question 6.

If you answered "No" to this question, skip to Question 7 (Validity: Written Description).

Question No. 6. Please check all the claims of the '115 patent of which you find Hewlett-Packard contributes to infringement by others, either literally or under the doctrine of equivalents.

Claim 1 ✓
Claim 6 ✓
Claim 14 ✓
Claim 15 ✓
Claim 18 ✓

Question No. 7. Has Hewlett-Packard proven, by clear and convincing evidence, that any claim of the '115 patent is invalid for failure to satisfy the written description requirement?

YES _____ (For Hewlett-Packard)

NO ✓ _____ (For Cornell)

Question No. 8. Has Hewlett-Packard proven, by clear and convincing evidence, that any claim of the '115 patent is invalid for failure to satisfy the enablement requirement?

YES _____ (For Hewlett-Packard)

NO ✓ _____ (For Cornell)

Question No. 9. Has Hewlett-Packard proven, by clear and convincing evidence, that any claim of the '115 patent is invalid as anticipated by the Tjaden Master's Thesis or the Tjaden-Flynn Article?

YES _____ (For Hewlett-Packard)

NO ✓ _____ (For Cornell)

If you answered "Yes" to this question, you must answer Question 10.

If you answered "No" to this question, skip to Question 11 (Patent Exhaustion and Implied License).

Question No. 10. Please check the claims of the '115 patent that you find are invalid as anticipated by the Tjaden Master's Thesis or the Tjaden-Flynn Article.

Claim 1 _____

Claim 6 _____

Claim 14 _____

Claim 15 _____

Claim 18 _____

Question No. 11. Has Hewlett-Packard proven, by a preponderance of the evidence, that damages for the PA-8500 or PA-8600 should be reduced for patent exhaustion and or because Hewlett-Packard had an implied license?

YES _____ (For Hewlett-Packard)

NO ☒ _____ (For Cornell)

Question No. 12. Has Hewlett-Packard proven, by a preponderance of the evidence, that damages for the PA-8700, PA-8750, PA-8800 or PA-8900 should be reduced for patent exhaustion and or because Hewlett-Packard had an implied license?

YES _____ (For Hewlett-Packard)

NO ☒ _____ (For Cornell)

Question No. 13. If you find any claim of the '115 patent to be infringed and valid, state the amount of damages, if any, in the form of a reasonable royalty you find Cornell has proven by a preponderance of the evidence, including the appropriate royalty base and royalty rate to be applied.

	\$	<u>23,005,506,034</u>	Royalty Base
x (times)	%	<u>0.8</u>	Royalty Rate
=	\$	<u>184,044,048</u>	Damages

Question No. 14. Has Cornell proven, by clear and convincing evidence, that Hewlett-Packard has willfully infringed the '115 patent?

YES _____ (For Cornell)

NO ✓ _____ (For Hewlett-Packard)

May 30, 2008
Syracuse, NY


Jury Foreperson